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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,978	04/18/2001	Werner Metz	INTL-0489-US (P10269)	9073
7590 12/22/2005 Timothy N. Trop TROP, PRUNER & HU, P.C. 8554 KATY FWY, STE 100 HOUSTON, TX 77024-1805			EXAMINER KUMAR, SRILAKSHMI K	
			ART UNIT 2675	PAPER NUMBER

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,978	Applicant(s) METZ, WERNER	
	Examiner Srilakshmi K. Kumar	Art Unit 2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,14,17-21,26-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11,14,17-21,26-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following office action is in response to the Amendment filed April 14, 2005. Claims 1, 5-11, 14, 17-21, 26-28 and 30 are pending. Claims 1, 7, 8, 11, 14 and 20 have been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-11, 14, 17-21, 26-28 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Mumford (US 6,377,249) in view of Wiebe (US 6,689,966).

As to independent claims 1, 11 and 20, Mumford discloses a method comprising, a processor (col. 6, lines 10-15), resolving a display into at least two regions (col. 6, lines 10-15); generating a different sequence of characteristic values in each corresponding to a primary color (col. 8, lines 7-47) in each of said regions until the position of a sensor with respect to said regions is determined (col. 17, lines 15-47, col. 18, lines 9-49). Mumford does not disclose wherein the different sequence corresponds to a unique sequence. Wiebe discloses a system and method for determining positional information, and in col. 11, lines 8-45, Wiebe discloses generating unique sequence of characteristic values to determine positions. It would have been obvious to one of ordinary skill in the art to incorporate the unique sequencing as shown by Wiebe in Mumford as unique sequencing in position determination are advantageous as there would be no errors or confusion in determining the position (col. 1, lines 60-67, col. 2, lines 37-51 of Wiebe).

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As to dependent claim 14, limitations of claim 11, and further comprising, Mumford discloses wherein generating a different sequence includes generating a different sequence of only two color values in each region (col. 17, lines 15-47).

As to dependent claim 15, limitations of claims 11, and further comprising, Mumford discloses including generating a different sequence of at least three color values (col. 17, lines 15-47, RGB, and col. 19, lines 1-22).

As to dependent claims 5 and 26, limitations of claims 3 and 20, and further comprising, Mumford discloses including generating a different sequence of only two color values (col. 17, lines 15-47, grey scale).

As to dependent claims 6, 17 and 27, limitations of claims 1, 11 and 20, and further comprising, Mumford discloses including displaying a series of frames and interspersing, among said frames, additional frames having at least two regions each displaying a sequence of characteristic values (col. 18, lines 9-49).

As to dependent claim 7, limitations of claim 6, and further comprising, Mumford discloses including displaying said additional frames such that they are substantially undetectable by the user (col. 18, lines 9-49).

As to dependent claims 8, 18 and 28, limitations of claims 1, 11 and 20, and further comprising, Mumford discloses including generating a different sequence of characteristic values by displaying a time sequence of frames each including at least two regions, and each of said regions displaying a time sequence of characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claims 9, 19 and 29, limitations of claims 1, 11 and 20, and further comprising, Mumford discloses including interspersing frames containing said characteristic values and frames not containing said characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claim 10, limitations of claim 1, and further comprising, Mumford discloses including developing a sequence using fewer characteristic values than the number of regions (col. 18, lines 9-49).

As to dependent claim 21, wherein the display is coupled to said processor. Mumford discloses in Fig. 1, where item 12 is the display and item 16 is the computer processor, where the display and processor are shown to be coupled together.

As to dependent claim 30, limitations of claim 28, and further comprising, Mumford discloses wherein said sensor is a light sensor that detects a characteristic value in the form of light (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 5-11, 14, 17-21, 26-28 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
December 8, 2005


SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER